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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/735,834

12/16/2003

Jinn-Shyan Hwang

MR1841-68

5465

4586

7590

10/01/2004

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EXAMINER

MAI, HUY KIM

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/735,834	Applicant(s) HWANG, JINN-SHYAN	
	Examiner Huy K. Mai	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement filed on XXX is acknowledged.

Oath/Declaration

2. The declaration filed on Dec. 16, 2003 is acceptable.

Specification

3. The disclosure is objected to because of the following informalities: It appears that the terminology "an universal joint" (page 5, line 7) is substantially inaccurate to describe the element 206. In fact, Fig.3 and the specification in page 5, lines 15-19 defined "*a universal joint 206 consists of a male hinge component 2061 and female hinge component 2062, ... the said male and female hinge components 2061 and 2062 are movably conjoined by means of a screw C and capable of being swung a minimum of 180 degrees.*" Thus, the element 206 being capable of swing a minimum of 180 degrees about the axis of the screw C is not a universal joint. It is agreed that all the elements 202, 206 and 203 together can perform the function of universal movement.

Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the objection to the disclosure about the terminology "a universal joint" as discussed above. Appropriate correction is required.
5. Claims 4 and 5 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim is not in proper form, i.e. a multiple dependent claim cannot depend

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from more than one claims at the same time. See MPEP § 608.01(n). Accordingly, the claims 4 and 5 are not been further treated on the merits.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-3,6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The features “the said supplementary lens frame consisting of a plurality of members” (claim 1, lines 2-3) render claim unclear because a plurality of members are undefined. The applicant may use the word “comprising” to avoid the problem of unclear claim. The word “herein” in claims 2,3,6 should be expressed in a better word such as –wherein–, for example. The phrase “of the present invention” (claim 6, line 2) is unnecessary and therefore should be deleted.

The remaining claims are dependent upon the above rejected base claim and thus inherit the deficiency thereof.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3,6 are rejected under 35 U.S.C. 102(b) as being anticipated by Stevens (1,185,446).

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The limitations in claims 1-3,6 are shown in Stevens's Figs. 1-6, page 1, columns 1-2. Stevens discloses an eyeglasses enhancement, the features of which include a supplementary lens frame installed on an eyeglass temple T, the said supplementary lens frame consisting of a plurality of members supporting a supplementary lens wire R, a supplementary lens, and a so-called universal joint C1 in an arrangement that is capable of unfolding and folding; when unfolded, the said supplementary lens fitted in the said supplementary lens wire can be positioned anywhere in front of a main lens, and when folded each said member and the said supplementary lens wire along with the said supplementary lens, is postured against the said eyeglass temple.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.



Huy Mai
Primary Examiner
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